

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION**

Cruz Miguel Aguina Morales, as §  
Administrator of the Estate of § CAUSE NO. 5:14-CV-00129  
**MIGUEL ANGEL SALAS MORALES,** § Judge George P. Kazen

Juan Francisco Salas, as Administrator  
of the Estate of **MIGUEL SALAS MORENO**,

**JUAN M. SALAS**, Individually and as  
Guardian and Parent of **LUIS SALAS  
MORENO**,

and

## MARIA DE LOS ANGELS AMAYA ALMARAZ

## Plaintiffs,

V.

## **REDCO TRANSPORT, LTD.,**

## HALLMARK COUNTY MUTUAL INSURANCE COMPANY.

## RED CARRIER, LLC.

## TRANSPORTES DE CARGA FEMA S.A. de C.V.

**JOHN DOE INSURANCE COMPANY**  
(Insurance of Transportes de Carga Fema  
S.A. de C.V.).

SAMUEL F. RICO.

## THE ESTATE OF SAMUEL F. RICO,

**CARLOS FERNANDEZ (aka CARLOS ALBERTO FERNANDEZ MARTINEZ).**

## LORENA MARTINEZ,

**ALFREDO RAMIREZ,**

卷之三

MEJIA Y GOMEZ SANUDO S.C.,

卷之三

**FERNANDO MEJIA DBA MEJIA Y  
GOMEZ SANUDO S.C.,**

卷之三

## **LIVINGSTON INTERNATIONAL, INC.**

## SAMSUNG SDS AMERICA, INC.

## JIT AUTOMATION, INC.

**SAMSUNG ELECTRONICS AMERICA,  
INC.,**

**SAMSUNG AMERICA,**

卷之三

and

222

**SAMSUNG ELECTRONICS MEXICO  
S.A. de C.V.,**

888

## Defendants.

55

**DEFENDANT LIVINGSTON INTERNATIONAL, INC.'S  
ORIGINAL ANSWER TO PLAINTIFFS' THIRD AMENDED COMPLAINT**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW Defendant Livingston International, Inc. (“Livingston”), by and through counsel, and respectfully responds to the Plaintiffs’ Third Amended Complaint (“Complaint”) as follows:

## I. **ADMISSION AND DENIALS**

## OVERVIEW AND JURISDICTION

1. Livingston lacks sufficient information or belief on which to base a response to the allegations in this paragraph, and, on that basis, denies them.

2. Livingston lacks sufficient information or belief on which to base a response to the allegations in this paragraph, and, on that basis, denies them.

3. This sentence contains legal assertions and conclusions to which no response is required.

a. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston lacks sufficient information or belief on which to base a response to the allegations of this paragraph, and, on that basis, denies them.

b. This paragraph contains applications directed at a party or parties other than Livingston, which require no response. To the extent that any response may be required, Livingston lacks sufficient information or belief on which to base a response to the allegations of this paragraph, and, on that basis, denies them.

c. This paragraph contains allegations directed at a party or parties other than Livingston which require no response. To the extent any response may be required, Livingston lacks sufficient information or belief on which to base a response to the allegations of this paragraph, and, on that basis, denies them.

d. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston lacks sufficient information or belief on which to base a response to the allegations of this paragraph, and, on that basis, denies them.

e. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston lacks sufficient information or belief on which to base a response to the allegations of this

paragraph, and, on that basis, denies them.

f. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston lacks sufficient information or belief on which to base a response to the allegations of this paragraph, and, on that basis, denies them.

g. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent a response may be required, Livingston lacks sufficient information or belief on which to base a response to the allegations of this paragraph, and, on that basis, denies them.

h. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent a response may be required, Livingston lacks sufficient information or belief on which to base a response to the allegations of this paragraph, and, on that basis, denies them.

i. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston lacks sufficient information or belief on which to base a response to the allegations of this paragraph, and, on that basis, denies them.

j. Livingston denies the allegations in this paragraph.

k. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent response may be required, Livingston lacks sufficient information or belief on which to base a response to the allegations of this paragraph, and, on that basis, denies them.

l. This paragraph contains allegations directed at a party or parties other than

Livingston, which require no response. To the extent response may be required, Livingston lacks sufficient information or belief on which to base a response to the allegations of this paragraph, and, on that basis, denies them.

m. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent response may be required, Livingston lacks sufficient information or belief on which to base a response to the allegations of this paragraph, and, on that basis, denies them.

n. Livingston lacks sufficient information or belief on which to base a response to the allegations of this paragraph, and, on that basis, denies them.

o. This paragraph contains legal assertions and conclusions and Livingston lacks sufficient information or belief on which to base a response to the allegations of this paragraph, and, on the basis, denies them.

p. Livingston denies the allegations in this paragraph.

**FIRST CAUSE OF ACTION**  
*Negligence of Samuel F. Rico*

4. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

5. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations in this paragraph.

6. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations in this paragraph.

7. This paragraph contains allegations directed at a party or parties other than

Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations in this paragraph.

8. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations in this paragraph.

9. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations in this paragraph.

**SECOND CAUSE OF ACTION**  
*Statutory Violations of Samuel F. Rico*

10. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

11. (and 11a. - 11e.) These paragraphs contain allegations directed at a party or parties other than Livingston, which require no response. To the extent a response may be required, Livingston denies the allegations of this paragraph.

12. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations in this paragraph.

13. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations in this paragraph.

14. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations in this paragraph.

**THIRD CAUSE OF ACTION**

*Claim for Exemplary Damages against Samuel F. Rico*

15. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

16. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

17. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**FOURTH CAUSE OF ACTION**

*Vicarious Liability of Redco*

18. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

19. This paragraph contains legal conclusions and allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**FIFTH CAUSE OF ACTION**

*Strict Liability of Redco*

20. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

21. This paragraph contains legal conclusions and allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston lacks sufficient information or belief on which to base a response to the allegations concerning the ownership of the tractor unit. Livingston denies all other allegations

in this paragraph.

**SIXTH CAUSE OF ACTION**  
*Negligence of Redco*

22. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

23. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of paragraph.

24. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

25. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent a response may be required, Livingston denies the allegations of this paragraph.

**SEVENTH CAUSE OF ACTION**  
*Statutory Violations of Redco*

26. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

27. This paragraph contains legal conclusions and allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

28. This paragraph contains legal conclusions and allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**EIGHTH CAUSE OF ACTION**  
*Claim for Exemplary Damages against Redco*

29. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

30. This paragraph contains legal assertions and conclusions directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

31. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**NINTH CAUSE OF ACTION**  
*Vicarious Liability of FEMA*

32. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

33. This paragraph contains legal assertions and conclusions directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**TENTH CAUSE OF ACTION**  
*Strict Liability of FEMA*

34. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

35. This paragraph contains legal assertions and conclusions directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston lacks sufficient information or belief on which to base a response to the allegations concerning the ownership of the tractor unit. Livingston denies all other allegations

in this paragraph.

**ELEVENTH CAUSE OF ACTION**  
*Negligence of FEMA*

36. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

37. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

38. This paragraph contains legal assertions and conclusions directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

39. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

40. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

41. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

42. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

43. This paragraph contains allegations directed at a party or parties other than

Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**TWELFTH CAUSE OF ACTION**

*Statutory Violations of FEMA*

44. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

45. This paragraph contains legal assertions and conclusions directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

46. This paragraph contains legal assertions and conclusions directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**THIRTEENTH CAUSE OF ACTION**

*Claim for Exemplary Damages against FEMA*

47. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

48. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent a response may be required, Livingston denies the allegations of this paragraph.

49. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**FOURTEENTH CAUSE OF ACTION**

*Direct Action against Hallmark Insurance, Insurance Company For Redco*

50. Livingston re-alleges and incorporates by reference its responses and objections to

all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

51. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**FIFTEENTH CAUSE OF ACTION**

*Direct Action against John Doe Co., Insurance Company for FEMA*

52. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

53. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**SIXTEENTH CAUSE OF ACTION**

*Vicarious Liability of Red Carrier*

54. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

55. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**SEVENTEENTH CAUSE OF ACTION**

*Negligence of Red Carrier*

56. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

57. This paragraph contains legal assertions and conclusions directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

58. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

59. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**EIGHTEENTH CAUSE OF ACTION**

*Claim for Exemplary Damages against Red Carrier*

60. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

61. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

62. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**NINETEENTH CAUSE OF ACTION**

*Negligence of Carlos Fernandez (aka Carlos Alberto Fernandez Martinez)*

63. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

64. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

65. This paragraph contains allegations directed at a party or parties other than

Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

66. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

67. (and 67a. - 67e.) These paragraphs contain allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**TWENTIETH CAUSE OF ACTION**

*Claim for Exemplary Damages against Carlos Fernandez*

68. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

69. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

70. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**TWENTY-FIRST CAUSE OF ACTION**

*Negligence of Lorena Martinez (aka Lorena Fernandez Martinez)*

71. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

72. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent a response may be required, Livingston

denies the allegations of this paragraph.

73. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

74. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

75. (and 75a. - 75e.) These paragraphs contain allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**TWENTY-SECOND CAUSE OF ACTION**

*Claim for Exemplary Damages against Lorena Martinez*

76. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

77. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

78. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**TWENTY-THIRD CAUSE OF ACTION**

*Negligence of Alfredo Ramirez*

79. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

80. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

81. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

82. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

83. (and 83a. - 83e.) These paragraphs contain allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**TWENTY-FOURTH CAUSE OF ACTION**  
*Claim for Exemplary Damages against Alfredo Ramirez*

84. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

85. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

86. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**TWENTY-FIFTH CAUSE OF ACTION**

*Negligence of Broker Fernando Mejia dba Mejia Y Gomez Sanudo S.C.*

87. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

88. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

89. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

90. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

91. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**TWENTY-SIXTH CAUSE OF ACTION**

*Vicarious Liability of Fernando Mejia dba Mejia Y Gomez Sanudo S.C.*

92. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

93. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**TWENTY-SEVENTH CAUSE OF ACTION**

*Claim for Exemplary Damages against Fernando Mejia dba Mejia Y Gomez Sanudo S.C.*

94. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

95. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

96. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**TWENTY-EIGHTH CAUSE OF ACTION**

*Negligence of Livingston International, Inc.*

97. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

98. This paragraph contains legal conclusions and factual assertions which require no response. However, to the extent any response may be required, Livingston denies the allegations in this paragraph and denies any liability to Plaintiffs.

99. This paragraph contains legal conclusions and factual assertions which require no response. However, to the extent any response may be required, Livingston denies the allegations in this paragraph and denies any liability to Plaintiffs.

100. This paragraph contains legal conclusions and factual assertions which require no response. However, to the extent any response may be required, Livingston denies the allegations in this paragraph and denies any liability to Plaintiffs.

101. This paragraph contains legal conclusions and factual assertions which require no

response. However, to the extent any response may be required, Livingston denies the allegations in this paragraph and denies any liability to Plaintiffs.

**TWENTY-NINTH CAUSE OF ACTION**

*Vicarious Liability of Livingston International, Inc.*

102. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

103. Livingston denies the allegations in this paragraph and denies any liability to Plaintiffs.

**THIRTIETH CAUSE OF ACTION**

*Claim for Exemplary Damages against Livingston International, Inc.*

104. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

105. Livingston denies the allegations in this paragraph.

106. Livingston denies the allegations in this paragraph as they relate to Livingston. The remaining allegations in this paragraph contain legal conclusions and assertions, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**THIRTY-FIRST CAUSE OF ACTION**

*Negligence of Samsung Mexico*

107. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

108. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations in this paragraph.

109. This paragraph contains allegations directed at a party or parties other the

Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

110. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

111. This paragraph contains allegations directed at a party or parties other the Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

112. This paragraph contains allegations directed at a party or parties other the Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

113. This paragraph contains allegations directed at a party or parties other the Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

114. This paragraph contains allegations directed at a party or parties other the Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

115. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

116. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

117. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

118. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

119. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

120. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

121. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

122. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**THIRTY-SECOND CAUSE OF ACTION**

*Negligence of Samsung Electronics America, Inc. & Samsung America*

123. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

124. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston

denies the allegations of this paragraph.

125. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

126. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

127. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**THIRTY-THIRD CAUSE OF ACTION**  
*Negligence per se of The Samsung Defendants*

128. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

129. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

130. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

131. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**THIRTY-FOURTH CAUSE OF ACTION**  
*Claim for Exemplary Damages Against The Samsung Defendants*

132. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

133. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

134. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**THIRTY-FIFTH CAUSE OF ACTION**  
*Wrongful Death Claim for Miguel Angel Salas Morales*

135. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

136. Livingston denies the allegations of this paragraph.

137. Livingston denies the allegations of this paragraph.

138. Livingston denies the allegations of this paragraph.

139. Livingston denies the allegations of this paragraph.

140. Livingston denies the allegations in this paragraph as they relate to Livingston.

The remaining allegations of this paragraph contain legal conclusions, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**THIRTY-SIXTH CAUSE OF ACTION**  
*Survival Action for Miguel Angel Salas Morales*

141. Livingston re-alleges and incorporates by reference its responses and objections to

all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

142. Livingston denies the allegations of this paragraph.

**THIRTY-SEVENTH CAUSE OF ACTION**

*Wrongful Death Claim for Miguel Salas Moreno*

143. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

144. Livingston denies the allegations of this paragraph.

145. Livingston denies the allegations of this paragraph.

146. Livingston denies the allegations of this paragraph.

147. Livingston denies the allegations of this paragraph.

148. Livingston denies the allegations of this paragraph.

149. Livingston denies the allegations of this paragraph.

150. Livingston denies the allegations in this paragraph as they relate to Livingston.

The remaining allegations of this paragraph contain legal conclusions, which require no response. To the extent any response may be required, Livingston denies the allegation of this paragraph.

**THIRTY-EIGHTH CAUSE OF ACTION**

*Survival Action for Miguel Salas Moreno*

151. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

152. Livingston denies the allegations of this paragraph.

**THIRTY-NINTH CAUSE OF ACTION**

*Injury Claim for Juana M. Salas*

153. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

154. Livingston denies the allegations in this paragraph as they relate to Livingston. The remaining allegations of this paragraph contain legal conclusions, which require no response. To the extent any response may be required, Livingston denies the allegation of this paragraph.

155. Livingston denies the allegations in this paragraph as they relate to Livingston. The remaining allegations of this paragraph contain legal conclusions, which require no response. To the extent any response may be required, Livingston denies the allegation of this paragraph.

**FORTIETH CAUSE OF ACTION**  
*Injury Claim for Maria De Los Angeles Amaya Almaraz*

156. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

157. Livingston denies the allegations in this paragraph as they relate to Livingston. The remaining allegations of this paragraph contain legal conclusions, which require no response. To the extent any response may be required, Livingston denies the allegation of this paragraph.

158. Livingston denies the allegations in this paragraph as they relate to Livingston. The remaining allegations of this paragraph contain legal conclusions, which require no response. To the extent any response may be required, Livingston denies the allegation of this paragraph.

**FORTY-FIRST CAUSE OF ACTION**  
*Injury Claim for Luis Salas Moreno*

159. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

160. Livingston denies the allegations in this paragraph as they relate to Livingston. The remaining allegations of this paragraph contain legal conclusions, which require no response. To the extent any response may be required, Livingston denies the allegation of this paragraph.

161. Livingston denies the allegations in this paragraph as they relate to Livingston. The remaining allegations of this paragraph contain legal conclusions, which require no response. To the extent any response may be required, Livingston denies the allegation of this paragraph.

**FORTY-SECOND CAUSE OF ACTION**

*Negligent Infliction of Emotional Distress*

162. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

163. Livingston denies the allegations of this paragraph.

**FORTY-THIRD CAUSE OF ACTION**

*Negligence of Samsung SDS America*

164. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

165. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

166. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

167. This paragraph contains allegations directed at a party or parties other than

Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

168. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

169. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

170. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

171. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

172. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

#### **FORTY-FOURTH CAUSE OF ACTION**

*Negligence per se of Samsung SDS America*

173. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

174. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

175. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

176. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**FORTY-FIFTH CAUSE OF ACTION**  
*Claim for Exemplary Damages against Samsung SDS America*

177. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

178. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

179. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**FORTY-SIXTH CAUSE OF ACTION**  
*Negligence of JIT Automation, Inc.*

180. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

181. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

182. This paragraph contains allegations directed at a party or parties other than

Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

183. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

184. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**FORTY-SEVENTH CAUSE OF ACTION**

*Vicarious Liability of JIT Automation, Inc.*

185. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

186. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

**FORTY-EIGHTH CAUSE OF ACTION**

*Claim for Exemplary Damages against JIT Automation, Inc.*

187. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

188. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston denies the allegations of this paragraph.

189. This paragraph contains allegations directed at a party or parties other than Livingston, which require no response. To the extent any response may be required, Livingston

denies the allegations of this paragraph.

**FORTY-NINTH CAUSE OF ACTION**  
*Prejudgment Interest*

190. Livingston re-alleges and incorporates by reference its responses and objections to all prior paragraphs of Plaintiffs' Complaint, as if fully set forth herein.

191. Livingston denies the allegations of this paragraph.

To the extent not expressly admitted, Livingston denies the allegations of Plaintiffs' Complaint and denies that Plaintiffs are entitled to the relief requested with respect to Livingston in the Prayer of the Complaint.

**II.**  
**AFFIRMATIVE DEFENSES**

Defendant Livingston International, Inc. further alleges the following affirmative defenses to each and all of Plaintiffs' "causes of action":

**FIRST AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint, and each and every "claim" or "cause of action" therein, fails to state a claim against Livingston upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

Livingston was not an employer or principal of any other party or non-party that may have caused or contributed to the incident that is the basis of this lawsuit, nor is Livingston in any way vicariously liable for any act or omission of any other party or non-party that may have caused or contributed to the incident that is the basis of this lawsuit.

**THIRD AFFIRMATIVE DEFENSE**

Livingston neither exercised nor had the right to exercise any control over the activities of any of the persons or entities, whether parties or nonparties, who caused or contributed to the accident that is the basis of this lawsuit.

**FOURTH AFFIRMATIVE DEFENSE**

To the extent Plaintiffs sustained injury or damage as alleged in the Complaint, which is denied, said injury or damage was not directly or proximately caused by any act or omission on the part of, or which maybe imputed to, Livingston.

**FIFTH AFFIRMATIVE DEFENSE**

To the extent Plaintiffs sustained injury or damage as alleged in the Complaint, which is denied, said injury or damage was caused or contributed to by the improper maintenance, repair and/or operation of the tractor unit at issue and/or its component parts referred to in the Complaint by persons or entities other than Livingston, over whom Livingston had no control or responsibility in law and/or fact.

**SIXTH AFFIRMATIVE DEFENSE**

To the extent Plaintiffs sustained an injury or damage as alleged in the Complaint, which is denied, said injury or damage was caused by material alterations, modifications and/or changes made to the tractor unit at issue and/or its component parts by persons or entities other than Livingston and over whom Livingston had no control in law and/or fact, which were neither foreseeable to nor intended by Livingston and which were made without Livingston's knowledge or approval, barring Plaintiffs' recovery from Livingston.

### **SEVENTH AFFIRMATIVE DEFENSE**

To the extent Plaintiffs sustained any injury or damage as alleged in the Complaint, which is denied, said injury or damage was caused or contributed to by an intervening and superseding cause and was not caused by the negligence or other fault of Livingston or by any person or entity for whom Livingston is responsible in law and/or fact.

### **EIGHTH AFFIRMATIVE DEFENSE**

To the extent Plaintiffs sustained any injury or damage as alleged in the Complaint, which is denied, said injury or damage was caused or contributed to by persons or entities other Livingston, and, therefore, in the event that liability is found against Livingston, an apportionment of responsibility should be made as to all parties and non-parties by the court and/or jury, and Livingston's liability, if any, should be reduced proportionately or precluded entirely pursuant to law and the doctrines of contribution and partial and complete indemnity.

### **NINTH AFFIRMATIVE DEFENSE**

To the extent Plaintiffs sustained any injury or damage as alleged in the Complaint, which is denied, Livingston's liability, if any, is several only or otherwise limited by law.

### **TENTH AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint, and each and every "claim" or "cause of action" therein, is barred by the applicable statute of limitation, proscription and/or repose.

### **ELEVENTH AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint, and each and every "claim" or "cause of action" therein, has been released and/or discharged and/or is barred under the doctrines of waiver and/or estoppel.

**TWELFTH AFFIRMATIVE DEFENSE**

To the extent to Plaintiffs sustained any injury or damage as alleged in the Complaint, which is denied, said injury or damage was not reasonably mitigated by Plaintiffs, and any recovery in this action must therefore be reduced proportionately pursuant to law.

**THIRTEENTH AFFIRMATIVE DEFENSE**

Livingston is entitled to a reduction of any award or judgment rendered to Plaintiffs with respect to benefits paid to Plaintiffs or which Plaintiffs are entitled to receive from governmental, quasi-governmental and/or private entities, or other collateral sources.

**FOURTEENTH AFFIRMATIVE DEFENSE**

The shipment at issue was not unusually dangerous and did not involve any unusual risk to other highway users, thereby barring Plaintiffs' recovery from Livingston under a theory of negligent selection.

**FIFTEENTH AFFIRMATIVE DEFENSE**

The law of a jurisdiction other than this forum may apply.

**SIXTEENTH AFFIRMATIVE DEFENSE**

To the extent Plaintiffs are entitled to have their claims for exemplary relief heard, Livingston is entitled to have the claims for exemplary relief bifurcated from the remaining claims in Plaintiffs' lawsuit.

WHEREFORE, Defendant Livingston International, Inc. prays that Plaintiffs take nothing by way of their Third Amended Complaint and that the same be dismissed, with prejudice, and that Defendant Livingston International, Inc. be given judgment in its favor and against Plaintiffs and awarded its costs of suit and any further relief as justice may require.

Dated: August 12, 2015

Respectfully submitted,

**DLA PIPER LLP (US)**

By: /s/ Hugh Marbury  
Hugh Marbury  
*Attorney-In-Charge*  
Maryland State Bar No. 24653  
DLA PIPER LLP (US)  
6225 Smith Avenue  
Baltimore, Maryland 21209  
Telephone: (410) 580-3000  
Facsimile: (410) 580-3001  
hugh.marbury@dlapiper.com

Colleen Deal  
Texas State Bar No. 24082909  
SDTX Bar No. 2600070  
DLA PIPER LLP (US)  
1717 Main Street, Suite 4600  
Dallas, Texas 75201  
Telephone: (214) 743-4500  
Facsimile: (214) 743-4545  
colleen.deal@dlapiper.com

**ATTORNEYS FOR DEFENDANT  
LIVINGSTON INTERNATIONAL, INC.**

**CERTIFICATE OF SERVICE**

I certify that on 12th day of August, 2015, I electronically filed Defendant Livingston International, Inc.'s Original Answer to Plaintiffs' Third Amended Complaint with the Clerk of the Court using the ECF System for filing and for transmission to all ECF registrants through the ECF System.

/s/ Colleen Deal  
Colleen Deal